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Attorneys for Plaintiff  
Debt Acquisition Company  
of America, LLC

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

DEBT ACQUISITION COMPANY  
OF AMERICA V, LLC,  
A California limited liability company,

Plaintiff

v.

MESA VERDE RE VENTURES, LLC ,  
a California limited liability company; et al,

Defendants.

Case No. BK-S-06-10725

Chapter 11

STATEMENT OF POSITION RECEIVED BY  
COUNSEL FOR MOVANT RE:

EX PARTE MOTION FOR TEMPORARY  
RESTRAINING ORDER AND FOR ORDER  
TO SHOW CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE

**TRO REQUESTED TO ISSUE PRIOR TO  
OCTOBER 19, 2011**

Attached hereto is a copy of a letter to the Court stating the position of Defendant Mesa Verde RE Ventures, LLC, with respect to DACA's Ex Parte Motion for Temporary Restraining Order and for Order to Show Cause Why a Preliminary Injunction Should Not Issue, a copy of which was received by counsel for DACA.

Dated: October 17, 2011

KIRBY & McGUINN, A P.C.

By: /s/ Dean T. Kirby, Jr.

Dean T. Kirby, Jr.  
Attorneys for Plaintiff  
Debt Acquisition Company of America V, LLC

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### Via Facsimile

October 17, 2011

The Hon. Linda B. Reigle  
United States Bankruptcy Court  
District of Nevada  
Foley Federal Building and U.S. Courthouse  
300 Las Vegas Boulevard South  
Las Vegas, CA 89101

Re: **In re USA Commercial Mortgage Company; USBC Case No. BK-S-06-10725**  
**Debt Acquisition Company of America V. LLC vs.**  
**Mesa Verde RE Ventures, LLC; Adv. No. 11-01293-lbr**

10/18/11 9:30 a.m. - Telephonic Appearance Requested

Dear Judge Reigle:

Mesa Verde RE Ventures LLC, defendant in the above-referenced adversary proceeding ("Mesa Verde"), takes no position with respect to the specific relief requested in the Ex Parte Motion For Temporary Restraining Order and for Order to Show Cause Why a Preliminary Injunction Should Not Issue (the "Motion") filed by Debt Acquisition Company Of America V, LLC. Mesa Verde reserves any and all of its rights, claims and defenses as set forth in (i) that certain Settlement Agreement and Mutual Release of Claims between Mesa Verde RE Ventures LLC and Debt Acquisition Company of America V LLC, and (ii) Mesa Verde's confirmed Second Chapter 11 Plan of Reorganization confirmed in Case No. 8:10-12757 pending before the U.S. Bankruptcy Court for the Central District of California, and under applicable law.

Very truly yours,



A. Kenneth Hennesay, Jr.

AKH:klf

cc: Dean T. Kirby, Jr.